761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: May 17, 2004

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: ERIC K. HAMILTON, CAPTAIN
COMPTON STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, APRIL 4, 2003, REVIEW #2085362**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on April 4, 2003.

The Committee met on May 13, 2004, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department), and Robert Binkley (FOR III). The Committee determined that the use of force by Deputy Max Fernandez #[redacted] was within Department policy. **Please advise the deputy of this finding.**

The Committee recognized the ongoing training and mentoring that is occurring with Deputy Fernandez.

JGJ:KRK:kk

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IAB SH #2085362

DEPUTY INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

EXHIBITS

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 02/24/2004	Bureau/Station/Facility: FORII/Compton	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 003-04761-2835-013	Date: 04/04/2003 — Time: 1520 hours
City or Station: Compton	Nature of Incident: Deputy Fernandez recognized the suspect as fitting the description of a 187 broadcast. While attempting to him, the suspect fled and pointed a gun at the deputy, who fired one round, striking the suspect.
Location: [redacted] West Palm Avenue, Compton	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 38 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: none	Home Ph: [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: none	Home Ph: none	
Last Name: Lee		First Name: Dreashon		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: none	Home Ph: none	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)	
[redacted]	Cummins	Jerry		**On Duty** (circled), Present during shooting	Witness to shooting, Involved in shooting
[redacted]	Rodriguez	Johns	L.	**On Duty** (circled), Present during shooting	Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Birtness	Drew	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Dendo	Matthew	

PSTD Use Only

SH # 2085362

Officer Involved Shooting

URN: 003-04761-2835-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/04/2003	1820	03/01/2004	

Employee #	Last Name	First Name	M.I
[redacted]	Gregg	Lawrence	R.
[redacted]	Hines	William	
[redacted]	Seno	Bennett	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	GS	BK

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 003-04761-2835-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Fernandez	First Name: Max	M.I.
Sex: M Race: H	Rank: DSG	Unit Assignment: Compton	Work Assignment (Unit #, Module, etc.): 282A
ShiftTime (*circle only one*): EM (PM — circled) Day	ShiftType (*circle only one*): (Regular — circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest — circled)	Other Factors:
Age: 28 Height: 5'08" Weight: 190			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date:
[redacted]	Certification Unit: Compton	Prior Shootings? ☐	Number of Prior Shootings:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 003-04761-2835-013

Involved Employee

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (***circle only one***): EM PM Day	ShiftType (***circle only one***): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: / Age: Height:	Duty Time (hrs): / Weight:	Clothing (***circle only one***): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (***circle only one***): EM PM Day	ShiftType (***circle only one***): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: / Age: Height:	Duty Time (hrs): / Weight:	Clothing (***circle only one***): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (***circle only one***): EM PM Day	ShiftType (***circle only one***): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: / Age: Height:	Duty Time (hrs): / Weight:	Clothing (***circle only one***): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

Suspect Information

S 1

Last Name: Ross		First Name: Brice	M.I.
AKA Last Name: [redacted]		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City: [redacted]	State & Zip Code: Ca. [redacted]
Work Phone: none	Home Phone: none	Social Security #:	Driver's License #: [redacted]
Age: 27 D.O.B. 06/22/75	Height: 6'00" Weight: 205	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case # 2003-02655	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [X]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

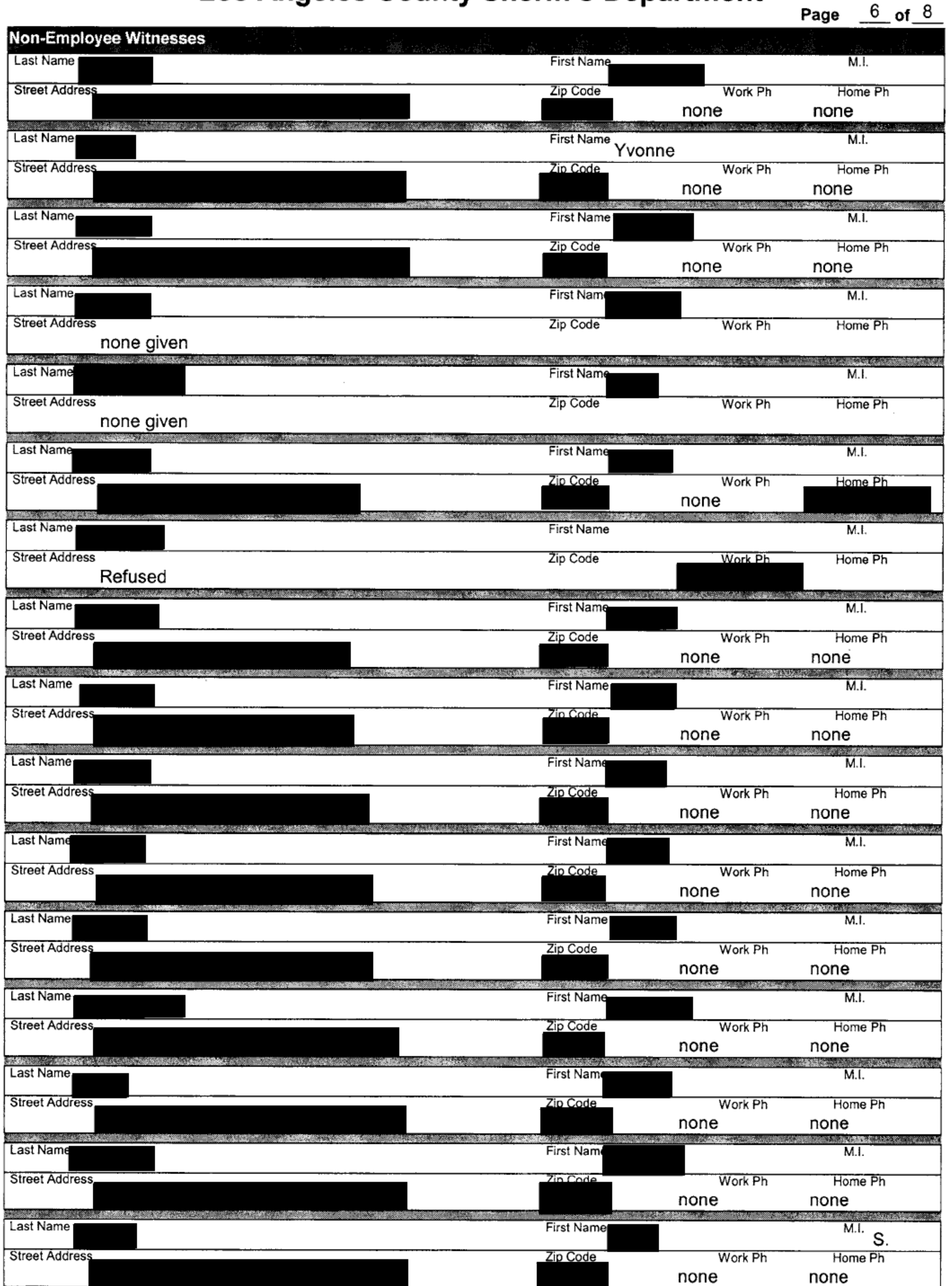
S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

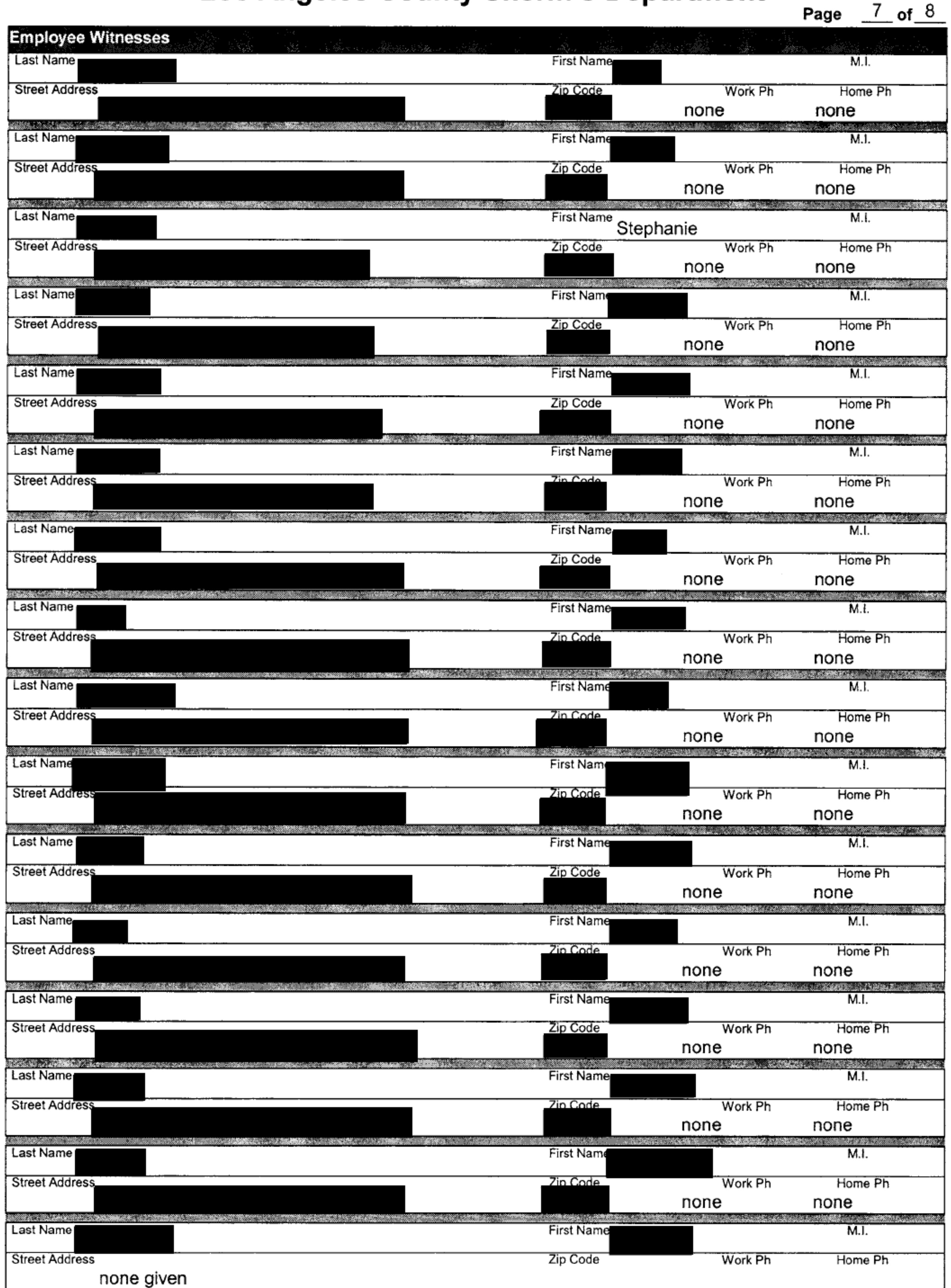
SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	Yvonne		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		none given			
[redacted]	[redacted]		none given			
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]			Refused		[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]	S.	[redacted]	[redacted]	none	none

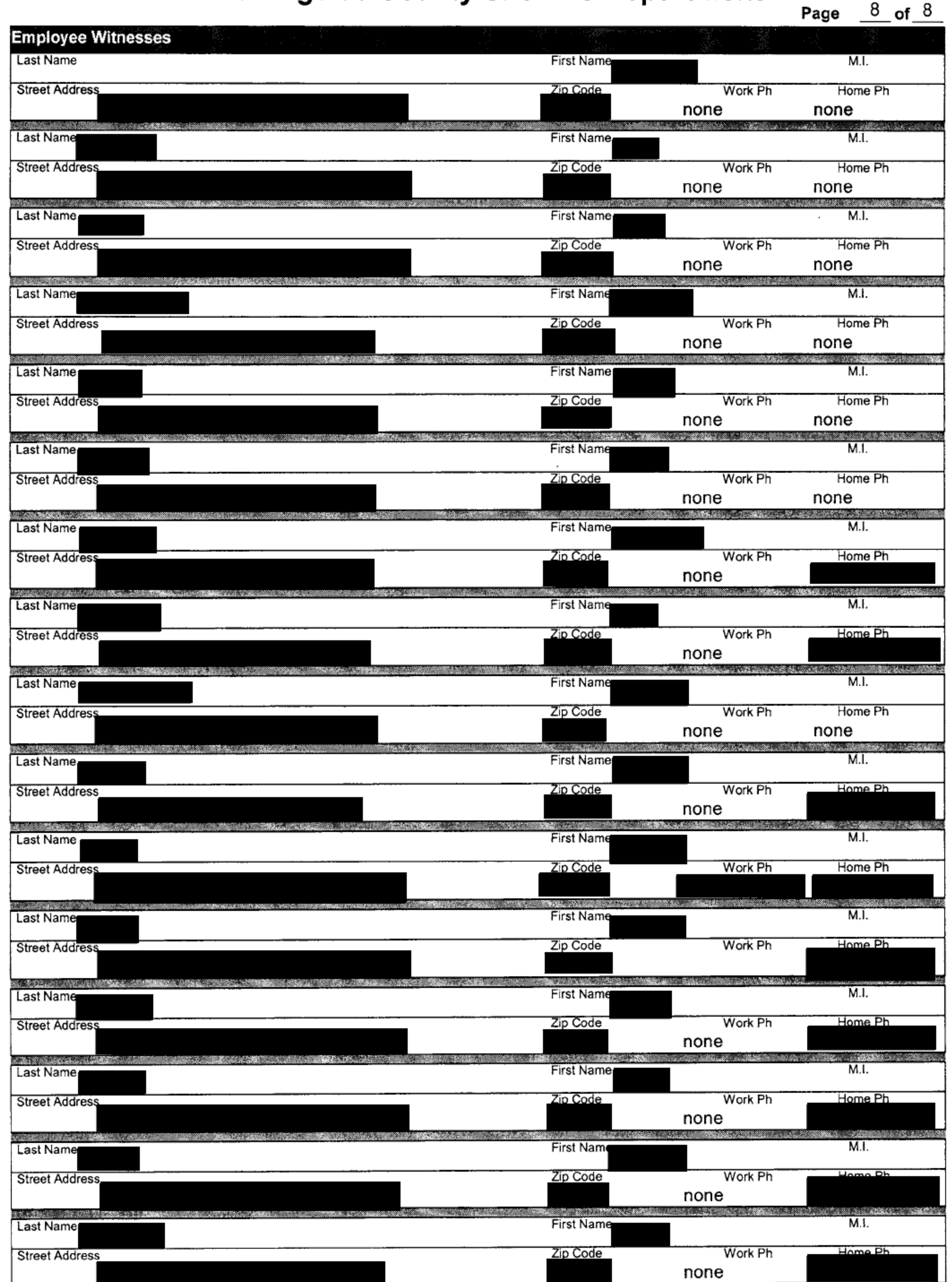
SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	Stephanie		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		none given			

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	none	none
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	none	[redacted]

INVESTIGATIVE SUMMARY

TYPE INCIDENT: **Deputy Involved Shooting (hit)**
IAB FILE: **SH #2085362**
URN: **003-04761-2835-013**

DATE / TIME / LOCATION

Friday, April 04, 2003
1520 hours
[redacted] West Palm Street, Compton 90220

SYNOPSIS

On April 4, 2003, Deputy Max Fernandez was responding to a location on West Palm Street regarding a burglary call. En route, he saw a person who matched the description of a murder suspect. While attempting to detain the suspect, the suspect removed an object Deputy Fernandez believed to be a handgun. The suspect pointed the object at Deputy Fernandez who shot at the suspect, striking him once and killing him.

Internal Affairs Sergeants Larry Gregg and William Hines responded to the area with Lieutenant Seno and conducted a review.

INVOLVED PERSONNEL

Fernandez, Max, Deputy #[redacted] MH/27 HT 5'08" WT 190 Right Handed

Division:	Field Operations Region II
Assignment:	Compton Station/282 A
Date of Employment:	08/19/1998
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	0
Prior Founded Force Incidents:	0


IAB NOTE: [redacted]

SUSPECT



Ross, Brice Everett MB/27 HT 6"00" WT 205 Right Handed

Criminal History:

Suspect Ross [redacted]

WITNESSES

Civilians:

[redacted]

EVIDENCE:

The following items, pertinent to this report, were recovered at the scene.

- One cardboard ammunition box, containing 24 live 9mm rounds. Recovered from Suspect Ross' vehicle.
- One expended 9mm shell casing. Recovered from The grass parkway, north from where Deputy Fernandez fired his weapon.
- Motorola cellular telephone and keys belonging to Suspect Ross.

The following pertinent items were recovered from Suspect Ross' vehicle.

- Escrow papers and a check for $28,470.78, made out to [redacted] and [redacted]

IAB NOTE: The FedEx box was checked for fingerprints. Suspect Ross' fingerprint was located on the box. Also on the box was the fingerprint of the murder victim from the previous night, [redacted] **(Refer to Exhibit A, page 36).**

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Martinez

Weapon: Beretta 9mm, Serial # [redacted]
Rounds fired: 1

WEAPONS USED BY SUSPECT

No weapons belonging to Suspect Ross were recovered from the area.

INJURIES

Suspect Ross was struck once by the round fired by Deputy Fernandez. He was transported to Martin Luther King Hospital and pronounced dead by Doctor McCloud at 1630 hours. Doctor McCloud stated that Suspect Ross died from a single gunshot wound entering his right, lower back. The wound caused internal bleeding which resulted in Suspect Ross' death.

Suspect Ross' autopsy was performed by Doctor Parchal. Doctor Parchal noted that the gunshot wound entered Suspect Ross' right hip and moved from right to left, forward and upward.

Deputy Fernandez was not injured.

LIGHTING AND WEATHER CONDITIONS

The incident occurred in the afternoon. The weather was clear and warm.

EMPLOYEE STATEMENT

Deputy Max Fernandez was interviewed on April 4, 2003, By Homicide Investigators Winters and Morales at Compton Station. Deputy Fernandez was represented by Attorney Elizabeth Gibbons from the Law Offices of Green and Shinee. The interview was tape recorded.

Deputy Fernandez said he was working a one man car, 282A/PMs. He was responding to an audible burglar alarm at [redacted] when he saw Suspect Ross.

Deputy Fernandez said he was aware that a murder had occurred at [redacted] West Palm the previous day. He had received information that the persons responsible for that murder were gang members from the Palmer Block Crips. He knew that members of the Palmer Block Crips lived on West Palm Street, west of both the address of the burglar alarm and the murder scene. He said he had heard that the previous day's murder occurred because the victim owed the suspects money. Deputy Fernandez said he had assisted during the murder investigation and had gathered his information then.

Deputy Fernandez said as he drove east on West Palm from Barron Avenue, he saw Suspect Ross walking away from the driver's door of a Cadillac parked on the north side of West Palm Street. Suspect Ross walked in a northwest direction toward a location that Deputy Fernandez knows as "Dope house."

Deputy Fernandez said Suspect Ross looked at him and had a surprised expression on his face. Deputy Fernandez described the expression as an "ah, shit look." Suspect Ross immediately turned around and began walking back toward the Cadillac. As he did so, he bent over at the waist, reaching into his waistband and turning to his left in an apparent attempt to see where Deputy Fernandez was. Deputy Fernandez believed that Suspect Ross was about to run away, holding onto whatever was in his waistband. As this was occurring, Deputy Fernandez was pulling his radio car toward the curb and stopping it.

Deputy Fernandez said he drew his gun as he exited the radio car, standing behind the door. Deputy Fernandez ordered the suspect to stop and show his hands. Suspect Ross now began sprinting back toward the Cadillac. Deputy Fernandez believed he was about to use the Cadillac as some kind of

cover. Suspect Ross sprinted to the driver's side of the Cadillac and reached for the driver's door with his left hand. Suspect Ross turned to his right and pointed a small black colored object that Deputy Fernandez believed was a semi automatic pistol. Suspect Ross was holding the gun in his right hand as he did this and was pointing the gun at Deputy Fernandez..

Deputy Fernandez described Suspect Ross' weapon as being smaller than his (Fernandez') Beretta and looking "boxy."

Deputy Fernandez was exiting his car quickly because he felt Suspect Ross was about to fire at him and his radio car. Deputy Fernandez felt that Suspect Ross was attempting to kill him. Deputy Fernandez fired one shot at Suspect Ross to stop Ross from firing at him, and he (Ross) fell to the ground. Deputy Fernandez temporarily lost sight of Suspect Ross because the Cadillac was between him and where Suspect Ross fell. Deputy Fernandez continued stepping to his left, away from and to the front of his radio car in case Suspect Ross stood back up.

Deputy Fernandez said he radioed for assistance and then approached Suspect Ross who was laying face down on the street. He said he had difficulty transmitting his situation because another unit was putting out a crime broadcast. He believes he interrupted that broadcast to radio that the shooting had occurred.

IAB NOTE: A review of the radio transmissions indicates that Deputy Fernandez interrupted a coordination of another call (unknown from what station). He stated, "998, 282A, suspect down, all deputies accounted for." He then gives his location and requests rescue to respond. Within seconds (30) from his initial broadcast assisting units arrived and began coordinating assisting units and setting up a perimeter. Approximately 50 seconds after assisting units arriving, SCC asks if rescue is for the deputy or suspect.

Suspect Ross' head was facing northeast and his hands were extended under the Cadillac. Suspect Ross then moved his hands under his body, toward his waistband Suspect Ross was repeatedly yelling, "Fuck you!", as Deputy Fernandez was ordering him to show his hands. Deputy Fernandez feared that Suspect Ross was either attempting to arm himself or was hiding the gun he had seen. Because of Suspect Ross' actions, Deputy Fernandez did not believe he had struck Suspect Ross with his shot. Suspect Ross eventually removed his hands from his waistband area and Deputy Fernandez was able to handcuff him.

Deputy Fernandez said when he had initially stopped his radio car he was aware that several people were on the north sidewalk. As he approached Suspect Ross he became aware that one of these people was paralleling him, approximately three feet away. Deputy Fernandez told this individual and the others, some of whom he described as gang members, to stay away. The group disbanded and walked away from the scene. He was not sure if these people were still present when back up units arrived.

Deputy Fernandez said after the shooting he had focused solely on Suspect Ross and had forgotten about the people standing on the street. He said he became aware of them again when the one person began paralleling him as he approached Suspect Ross.

Deputy Fernandez said after he handcuffed Suspect Ross he searched him and asked Suspect Ross why he had "done that?" Suspect Ross replied, "Fuck you."

Deputy Fernandez said he did not see the gun again after he fired at Suspect Ross. He said he does not know what happened to the gun and surmised that the gun may have been thrown into the car by Suspect Ross. Deputy Fernandez said no persons got between Suspect Ross and him after the shooting. Deputy Fernandez said he stayed with Suspect Ross until back up units arrived.

Deputy Fernandez said he was eventually transported to the station by Deputy Montoya. En route to the station, Deputy Fernandez saw several of the individuals who were on the street when the shooting occurred. Deputy Montoya took pictures of those individuals but did not contact them. Deputy Fernandez was shown the pictures and recognized them as the people he saw on the way to the station although he could not specifically say they were present at the time of the shooting. Deputy Fernandez said he recognized them by the clothing they were wearing and not their physical traits.

Deputy Fernandez was asked to draw a sketch of the scene. **Refer to Exhibit C**. The legend for the outline is as follows;

#1 surrounded by a triangle is where Deputy Fernandez first spotted Suspect Ross and eventually where he fell.

#2 surrounded by a triangle is where Suspect Ross walked to prior to running back to his Cadillac's door.

#1 surrounded by a circle is where Deputy Fernandez fired from.

#2 surrounded by a circle depicts where Deputy Fernandez moved to when he began ordering Suspect Ross to show his hands, after being shot.

#1 surrounded by a square depicts where the individual who paralleled Deputy Fernandez as he approached Suspect Ross.

#3 and #4 surrounded by squares depicts where the other two individuals were who witnessed the shooting then walked away.

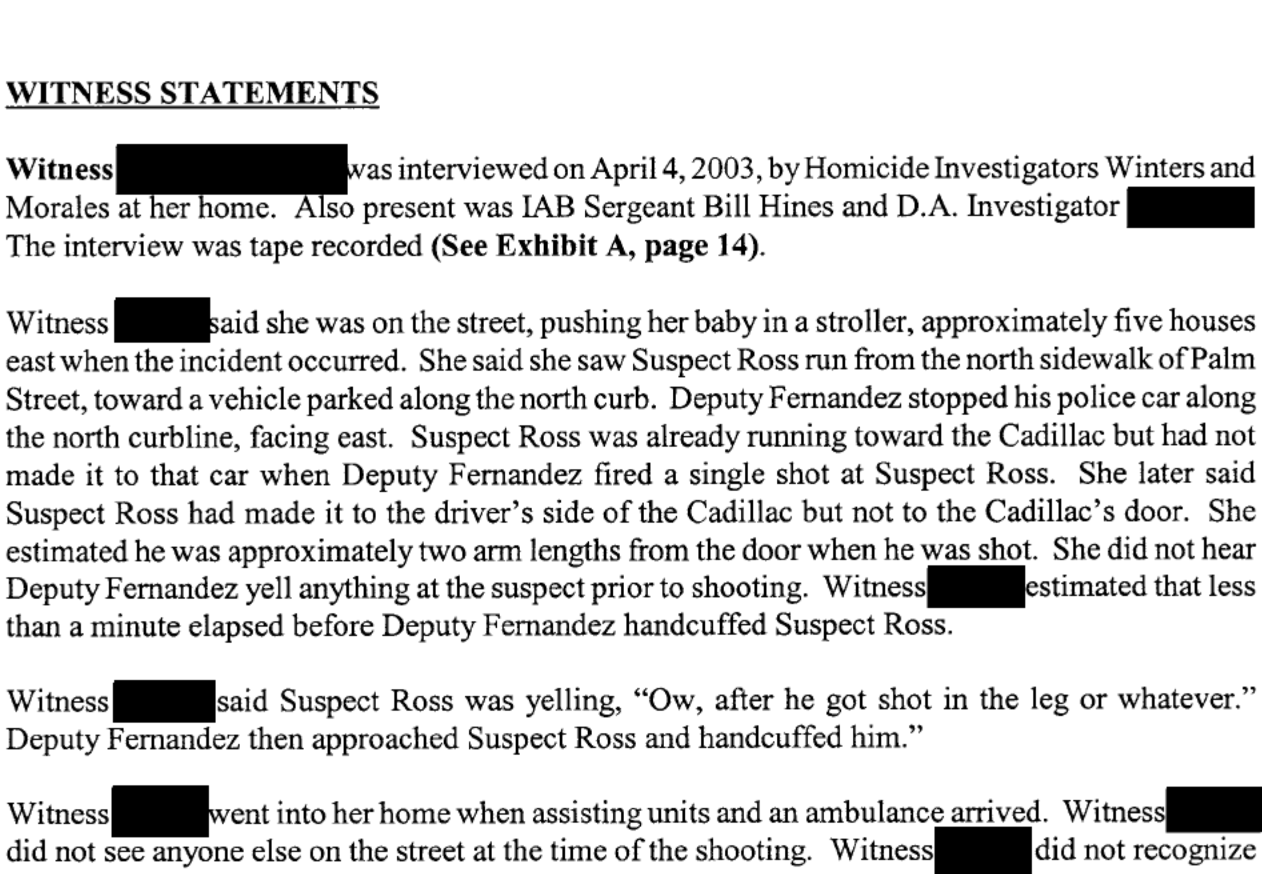
IAB NOTE: Deputy Fernandez and Homicide investigators talked about there being four males who witnessed the shooting. The drawing only depicts the numbers 1, 3, 4. Deputy Fernandez spoke as if the #2 was in the general vicinity of #1, 3, 4.

The inset drawing of Exhibit C, done by Deputy Fernandez shows where Suspect Ross was and how his hands were positioned when Deputy Fernandez approached.

Deputy Fernandez was interviewed on March 25, 2004, by IAB Sergeant Larry Gregg at Internal Affairs Bureau. Deputy Fernandez was represented by Attorney Elizabeth Gibbon of the Law Firm Green and Shinee. Prior to the interview, Deputy Fernandez was provided an opportunity to read and sign the Admonition for Force/Shooting Review. The interview was digitally recorded.

Deputy Fernandez said he first realized the suspect had been shot when he approached the suspect. He did say the suspect began yelling that he had been shot immediately after he (Fernandez) fired his weapon. This prompted Deputy Fernandez to immediately call for paramedics to the scene.

Deputy Fernandez said he believes that Suspect Ross was armed with a handgun when he fired. He said he knows he handcuffed Suspect Ross but does not recall doing so. Elizabeth Gibbons interjected that although no handgun was recovered it could have been picked up by a by-stander if Suspect Ross threw the gun from the street side of the car to the curb side.



WITNESS STATEMENTS

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigators Winters and Morales at her home. Also present was IAB Sergeant Bill Hines and D.A. Investigator [redacted] The interview was tape recorded **(See Exhibit A, page 14)**.

Witness [redacted] said she was on the street, pushing her baby in a stroller, approximately five houses east when the incident occurred. She said she saw Suspect Ross run from the north sidewalk of Palm Street, toward a vehicle parked along the north curb. Deputy Fernandez stopped his police car along the north curbline, facing east. Suspect Ross was already running toward the Cadillac but had not made it to that car when Deputy Fernandez fired a single shot at Suspect Ross. She later said Suspect Ross had made it to the driver's side of the Cadillac but not to the Cadillac's door. She estimated he was approximately two arm lengths from the door when he was shot. She did not hear Deputy Fernandez yell anything at the suspect prior to shooting. Witness [redacted] estimated that less than a minute elapsed before Deputy Fernandez handcuffed Suspect Ross.

Witness [redacted] said Suspect Ross was yelling, "Ow, after he got shot in the leg or whatever." Deputy Fernandez then approached Suspect Ross and handcuffed him."

Witness [redacted] went into her home when assisting units and an ambulance arrived. Witness [redacted] did not see anyone else on the street at the time of the shooting. Witness [redacted] did not recognize

Suspect Ross but said the Cadillac is commonly parked on the street and is driven by different people. She did not see anyone approach Suspect Ross. She said all bystanders stayed on the sidewalk or grass easement.

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigator Barron at her home. Also present was IAB Lieutenant Ben Seno. The interview was tape recorded **(See Exhibit A, page 26)**.

Witness [redacted] said she was walking eastbound on the north sidewalk when she saw Deputy Fernandez arrive in his radio car. Deputy Fernandez exited his radio car, standing behind the driver's door. He yelled at a male then shot the male. Witness [redacted] did not know what Deputy Fernandez was yelling because she does not speak English.

Witness [redacted] said she did not see the suspect's actions prior to being shot. After being shot, she did hear the suspect saying, "I'm hurt, I'm hurt." The deputy then approached the suspect and handcuffed him.

Witness [redacted] did not see anyone, other than Deputy Fernandez, approach Suspect Ross after he was shot.

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigator Barron at his home. Also present was IAB Lieutenant Ben Seno. The interview was tape recorded **(See Exhibit A, page 26)**.

Witness [redacted] said the suspect was walking to his car when Deputy Fernandez arrived in his radio car. He said the suspect was at the door of his (Ross') car, opening it. Deputy Fernandez told Suspect Ross to "Freeze." Suspect Ross began running away and Deputy Fernandez shot Suspect Ross.

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigator Barron at his home. Also present was IAB Lieutenant Ben Seno. The interview was tape recorded **(See Exhibit A, page 27)**.

Witness [redacted] said he knew Suspect Ross. He said Suspect Ross' nickname was "Pooh." He and Suspect Ross were speaking (Suspect Ross teasing him) downstairs from his apartment just prior to the shooting. Suspect left Witness [redacted] and walked southbound in the driveway toward the street. Suspect Ross was alone when he left. Approximately one minute later he heard a single gunshot.

Witness [redacted] did not elaborate regarding what he and Suspect Ross had been discussing. He said shootings are common in the area so he did not go out and see what occurred.

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigator Barron at her home. Also present was IAB Lieutenant Ben Seno. The interview was tape recorded **(See Exhibit A, page 27)**.

Witness [redacted] said she was watching out her front window. She heard Deputy Fernandez yell freeze or stop. Suspect Ross did not stop and Deputy Fernandez shot one round at Suspect Ross. Suspect Ross fell to the ground yelling, "Why'd you shoot me? I didn't do nothing." Deputy Fernandez approached and handcuffed him. Suspect Ross continued to say, "I didn't do it. Why are you doing this to me." Witness [redacted] did not see Suspect Ross in possession of a weapon.

Witness [redacted] said she saw two males on the south side of the street. After the shooting, one of the males came to the north side of the street and watched what was occurring. This male did not interfere with or get close to Suspect Ross or Deputy Fernandez.

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigator Barron at her home. Also present was IAB Lieutenant Ben Seno. The interview was tape recorded **(See Exhibit A, page 27)**.

Witness [redacted] interview was substantially the same as other witnesses. She added that Suspect Ross was initially walking toward the deputy. He then turned and began running toward his car. As he ran he began reaching into his waistband, stumbling and nearly falling when Deputy Fernandez shot him.

IAB NOTE: Deputy Fernandez stated that Suspect Ross had bent at the waist, reaching in his waistband.

IAB NOTE: No tape recording for the following two interviews was provided by Homicide. The IAB Investigator was present for these interviews and the Homicide reports accurately reflects the content of those interviews.

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigator Brackpool at her home. Also present was IAB Sergeant Larry Gregg and DDA [redacted] The interview was tape recorded **(See Exhibit A, page 30)**.

IAB NOTE: The IAB investigator recalls the interview. Witness [redacted] lived at home wherein one door opened and faced eastbound on Palm. It is unknown if the address was on Barron Street or Magnolia Avenue.

Witness [redacted] stated substantially the same as other witnesses. She was standing approximately 300 feet away from where the shooting occurred. She said the suspect was running in a southeasterly direction, away from his Cadillac when Deputy Fernandez shot him. She did not see any individuals approach the suspect after the shooting but her view was blocked by the radio car.

Witness [redacted] was interviewed on April 4, 2003, by Homicide Investigator Barron at his home. Also present was IAB Sergeant Larry Gregg and DDA [redacted] The interview was tape recorded **(See Exhibit A, page 31)**. Witness [redacted] lives across the street and east from where the shooting occurred.

Witness [redacted] had just pulled his car into his driveway and was closing his security gate when he saw Deputy Fernandez arrive in his radio car, stop and exit. He believes Deputy Fernandez had unholstered his weapon. Suspect Ross was walking from his Cadillac toward Deputy Fernandez. Witness [redacted] does not believe Suspect Ross was aware that Deputy Fernandez was there. He said it was unclear if Suspect Ross had anything in his hands.

Witness [redacted] said Deputy Fernandez told Suspect Ross to stop. Suspect Ross looked in Deputy Fernandez' direction, took two more steps then turned and ran. Deputy Fernandez then shot Suspect Ross.

Witness [redacted] said after the shooting, Deputy Fernandez transmitted over his radio. He said he did not see anyone approach Suspect Ross as he lay in the street. Witness [redacted] could add nothing additional to his statement.

Witness [redacted] was interviewed on April 4, 2003, by Compton Deputy Dean at his home. **See Exhibit A, page 49)**.

Witness [redacted] statement was substantially the same as Witness [redacted] He added that after being shot, a large group of kids gathered around Suspect Ross.

Witness [redacted] was interviewed on April 5, 2003, by Homicide Investigator Brackpool telephonically.

Witness [redacted] said she did not hear the shooting but did overhear a conversation between two black males walking on Palm Street. She said she was sitting in her car and heard one of the males state, "Good, I hope he's dead." She looked west on Palm and saw the radio cars in the area.

An Anonymous witness was interviewed on April 4, 2003, by Homicide Investigator Barron at his/her home. Also present was IAB Larry Gregg and DDA [redacted]. The interview was tape recorded **(See Exhibit A, page 26)**.

The Anonymous witness did not observe the shooting, however he/she did say that the location where the shooting occurred is very active with drug dealers, gang members and criminal activity. He/She said narcotics activity goes on 24 hours a day at the apartment complexes.

MISCELLANEOUS

[redacted]

2035762

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

OFFICE CORRESPONDENCE

DATE: December 24, 2003

FILE NO.: 003-04761-2835-013

FROM: JEROME W. SCHMIEDEKE, CHIEF
DETECTIVE DIVISION

TO: LEROY D. BACA
SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY-INVOLVED SHOOTING**

The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputy Max Fernandez #[redacted]

STATION:	Compton
DATE / TIME OF SHOOTING:	April 4, 2003, 1520 Hours
SUSPECT:	ROSS, Brice MB/27 (Deceased)
LOCATION:	[redacted] West Palm Avenue, Compton

DISTRICT ATTORNEY'S CONCLUSION:

"According to Fernandez, while responding to a burglary alarm he saw Ross who he recognized as a suspect in a murder. Fernandez was aware that the murder had occurred the day before within a short distance from the scene of this incident. When Ross ignored his order to stop and then turned around and pointed what appeared to be a gun at him, he shot Ross. Based on the totality of circumstances it was reasonable for Fernandez to believe that his life was in imminent danger of death or great bodily harm. Therefore, given the scenario described, Fernandez was justified in shooting Ross in self-defense.

We are closing our file and will take no further action in this matter."

JWS:FM:no





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

December 2, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Re: J.S.I.D. File # 03-0279
L.A.S.D. # 003-04761-2835-013

Dear Captain Merriman:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 4, 2003, fatal shooting of Brice Everett Ross, age 27, by Los Angeles County Deputy Sheriff Max Fernandez. Because the weight of the evidence supports a conclusion that the deputy acted lawfully in self-defense, we have concluded that there is insufficient evidence of criminal misconduct.

The District Attorney's Command Center was notified of the shooting on April 4, 2003 at 4:15 p.m. Deputy District Attorney Hector Guzman and District Attorney Senior Investigator [redacted] responded to the scene. We received a briefing of the circumstances surrounding the incident and were provided a walk-through of the scene by Lieutenant Hartshorne of the Los Angeles County Sheriff's Department.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department totaling 111 pages, the autopsy report prepared by Deputy Medical Examiner Ajay J. Panchal, M.D. and a joint investigation conducted by the Sheriff's Department and this office. We did not review compelled statements as a part of this analysis.

FACTUAL SUMMARY

On April 4, 2003, at approximately 3:17 p.m., Los Angeles County Deputy Sheriff Max Fernandez was responding to a residential burglary alarm call at [redacted] West Palm Street, in the City of Compton. While in route he saw Brice Everett Ross, walking from the front driver's

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://da.co.la.ca.us

side of a Cadillac. The Cadillac was parked at [redacted] Fernandez recognized Ross as fitting the description of a suspect wanted for a murder that occurred on April 3, 2003, at [redacted] West Palm Street, in the City of Compton. Fernandez stopped his marked patrol car in order to contact Ross. Ross looked in Fernandez's direction and immediately turned and ran back to the Cadillac. As Ross was running, Fernandez could see Ross grabbing at his waistband area. Fernandez believed that Ross was retrieving a handgun and ordered him to stop and show his hands. Ross ignored Fernandez and when he reached the Cadillac he turned and pointed a small black colored handgun in Fernandez's direction. Fearing for his life, Fernandez fired one round from his duty weapon at Ross, striking him in the right lower back. Fernandez temporarily lost sight of Ross as he fell to the ground. Fernandez then broadcast that he had been involved in a shooting and called for assistance and paramedics.

After shooting Ross, several people began to approach. Fernandez ordered them away before approaching Ross. As he approached, Ross became belligerent and began to yell obscenities at Fernandez. Fernandez handcuffed Ross and waited for assistance.

A short time later deputies arrived at the location and secured the area. A search for possible weapons was conducted with negative results.[1] However, a box of 24 nine millimeter rounds was recovered from the right front passenger seat of the Cadillac. A cell phone was found in the street next to Ross. Ross was transported to Martin Luther King Medical Center where he was pronounced dead.

Several civilian witnesses told investigators that they saw Deputy Fernandez exit his patrol car and order Ross to stop. According to the witnesses, Ross ignored Fernandez and ran. They then saw Fernandez fire his weapon and saw Ross fall. None of the witnesses could give any further information as to whether they saw Ross point a gun at Fernandez.

An autopsy of Brice Everett Ross was conducted on April 7, 2003 by Los Angeles County Deputy Medical Examiner, Ajay J. Panchal, M.D. The autopsy revealed that Ross had a gunshot wound to the right lower back.[2] The doctor described the gunshot wound as fatal. The trajectory of the gunshot was right to left, back to front. Doctor Panchal ascribed the cause of death as a gunshot wound to the right lower back.

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[1] Fernandez told investigators that he believed that it was possible that the gun he saw in Ross' hand may have been taken from the crime scene. He described several individuals, who he believed to be gang members, near Ross after the shooting.

[2] A possible explanation as to the location of the gunshot wound is that by the time Fernandez reacted to the perception of danger, Ross moved exposing his back.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or in the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal (CALJIC) 5.30, 5.32.

If one is confronted by the appearance of danger which arouses in his mind, as a reasonable person, an honest conviction and fear that he is about to suffer bodily injury, and if a reasonable person in a like situation seeing and knowing the same facts, would be justified in believing himself in like danger, and if the person so confronted acts in fear and honest conviction, his right of self-defense is the same whether such danger is real or merely apparent. People v. Jackson (1965) 233 Cal. App. 2d 639.

According to Fernandez, while responding to a burglary alarm he saw Ross who he recognized as a suspect in a murder. Fernandez was aware that the murder had occurred the day before within a short distance from the scene of this incident. When Ross ignored his order to stop and then turned around and pointed what appeared to be a gun at him, he shot Ross. Based on the totality of circumstances it was reasonable for Fernandez to believe that his life was in imminent danger of death or great bodily harm. Therefore, given the scenario described, Fernandez was justified in shooting Ross in self-defense.

We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

HECTOR GUZMAN
Deputy District Attorney
[redacted]

c: Deputy Max Fernandez, # [redacted]